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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,571	12/19/2000	Kathryn L. Parker	MS	5903
7590	08/31/2004		#155647.1/40062.88-US-	
Homer L. Knearl Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903			EXAMINER PATEL, HARESH N	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 08/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/741,571

Applicant(s)

PARKER ET AL.

Examiner

Haresh Patel

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 2-14 are presented for examination. Claim 1 has been cancelled.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. The specification is objected to because it does not contain subject matter containing any software or hardware to implement “ stored profile including one or more assignments of a particular sound file to a particular event”. Hence, claim 14 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The addition of the limitation “stored profile including one or more assignments of a particular sound file to a particular event” of claim 14, has been rejected by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 2-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Treyz et al. 6,587,835 (Hereinafter Treyz), as per paper number 9, dated 3/16/2004.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Newly added claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz in view of Wies et. al, 6,125,385 (Hereafter Wies).

7. As per claim 14, Treyz teaches the claimed limitations rejected under claim 2 as above. Treyz also teaches the concept of accessing the settings that are stored in the profile, for example, to assign/select a tone for a notification event (e.g., figure 69, col., 35, line 53 – col., 36, line 10, col., 44, lines 20-65).

However, Treyz does not specifically mention about one or more assignments of a particular sound file to a particular event.

It is well-known in the art, for example, Wies discloses one or more assignments of a particular sound file to a particular event (e.g., col., 7, lines 2-3, col., 32, line 48 – col., 33, line 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Treyz with the teachings of Wies in order to facilitate assigning a particular sound file to a particular event. A sound file would be used to help provide

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an audio alert assigned to an event. A profile containing information related to a user including sound file selection will help the user to select different sound files for different events. The motivation would be obvious because selection of a sound file for an event can be easily stored for a user, as suggested by Wies.

Response to Arguments

8. Applicant's arguments filed 6/14/04 have been fully considered but they are not persuasive. Therefore, rejection of claims 2-14 is maintained.

Applicant argues (1) Treyz does not disclose, "a plurality of profiles for a single user, nor selection of a profile based on the user's present environment, nor modulating notification aggressiveness based on said environment as defined by the profile". The examiner disagrees in response to applicant's arguments. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies "a plurality of profiles for a single user, nor selection of a profile based on the user's present environment, nor modulating notification aggressiveness based on said environment as defined by the profile" are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore the rejection is maintained as disclosed above.

Applicant argues (2) Treyz does not disclose, "particular user must have a plurality of profiles". A particular profile is typically selected based on the current environment, and is used to define modes of varying notification aggressiveness. That is, the level of volume for the

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notification may change, the brightness of the light notification may change, and/or the amount of nature of the vibration may change. Each mode (e.g., work, meeting, lunch, home, etc.) can have a different set of notification behaviors for an event, such as a notification of a meeting. As a result, a user may be notified of an event, such as a meeting in many different ways, depending on the currently selected profile. Moreover, as in some claims, the profile may automatically change based on the user's environment, as defined by a calendar program, i.e., the calendar program may be used to drive profile and thus, mode) selection, in place of manual control by the user". The examiner disagrees in response to applicant's arguments. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies "particular user must have a plurality of profiles. A particular profile is typically selected based on the current environment, and is used to define modes of varying notification aggressiveness. That is, the level of volume for the notification may change, the brightness of the light notification may change, and/or the amount of nature of the vibration may change. Each mode (e.g., work, meeting, lunch, home, etc.) can have a different set of notification behaviors for an event, such as a notification of a meeting. As a result, a user may be notified of an event, such as a meeting in many different ways, depending on the currently selected profile. Moreover, as in some claims, the profile may automatically change based on the user's environment, as defined by a calendar program, i.e., the calendar program may be used to drive profile and thus, mode) selection, in place of manual control by the user" are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van*

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Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore the rejection is maintained as disclosed above.

Applicant argues (3) Treyz does not disclose “use or define user profiles”. The examiner disagrees in response to applicant's arguments. Treyz clearly teaches the use of user profiles (e.g., col. 26, lines 29-33). Treyz teaches that multiple users may be supported by handheld computing device 12 (col. 26, lines 29-33). Hence, each user may access a different shopping list and set different notification settings. As disclosed in figure 69 each user after logging on, selects and applies a particular notification mode in order to receive a notification of an event. Treyz also teaches that each message type (fig. 69) denotes different profiles that a user can adjust to receive notification of events, i.e., proximity, local, notifications, etc. Therefore the examiner believes that the Treyz meets the claim limitations as disclosed.

Applicant argues (4) Treyz does not disclose, “a plurality of profiles for a single user, nor selection of a profile based on the user's present environment, nor modulating notification aggressiveness based on said environment”. The examiner disagrees in response to applicant's arguments. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies “a plurality of profiles for a single user, nor selection of a profile based on the user's present environment, nor modulating notification aggressiveness based on said environment” are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore the rejection is maintained as disclosed above.

Applicant argues (5) Treyz does not disclose, “the system may notify the user of an event in many different ways, depending on the currently selected profile”. The examiner disagrees in response to applicant's arguments. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies “the system may notify the user of an event in many different ways, depending on the currently selected profile” are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore the rejection is maintained as disclosed above.

Applicant argues (6) Treyz does not disclose in claim 6, “utilize a calendar program to automatically select different profiles and thereby adjust the mode in which a user is notified of events”. The examiner disagrees in response to applicant's arguments. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies “utilize a calendar program to automatically select different profiles and thereby adjust the mode in which a user is notified of events” are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore the rejection is maintained as disclosed above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (703) 605-5234. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached at (703) 305-8498.

The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

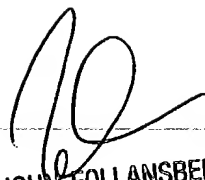
Haresh Patel

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August 27, 2004

A handwritten signature in black ink, appearing to read 'JF', is positioned above the printed name.

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100